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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 55463 PCT kg/bl		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE2003/000651	International filing date (day/month/year) 23.04.2003	Priority date (day/month/year) 23.04.2002	
International Patent Classification (IPC) or national classification and IPC A01J 5/04 // G01N 1/20			
Applicant DeLaval Holding AB et al.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 21.11.2003	Date of completion of this report 26.07.2004
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Magnus Thorén / MRO Telephone No. +46 8 782 25 00

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the claims:

pages _____ as originally filed/furnished

pages* _____ as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the drawings:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	<u>1-30</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-30</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-30</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The present invention relates to a device for sampling of milk, comprising a collecting member arranged to receive milk samples from a milk line that transports milk from one animal at a time. It is also comprises a passage arranged to allow milk flow from the milk line to the collecting member. The invention is characterised in that the device comprises flow means arranged to provide a milk flow through at least a part of the passage at least a time period before a milk sample is taken in order to rinse at least part of the passage from milk residues from a previously milked animal.

The invention also includes a method to the same effect, a use of the device in an arrangement for milking of animals and a milking robot comprising such a device.

The problem solved by the device and method according to the invention is to at least partly rinse "a sample-collecting loop".

The cited WO 92/15196, included as prior art in the description, reveals a milking sampling which takes place only for a portion of an operating cycle, see claim 5. Activation of the testing device takes place in a subsequent portion of the cycle, see claim 6. Thus the cited document reveals a method and device that differs from the present invention in that it does not explicitly mention that the "sample-collecting loop" is rinsed from residues of a previously milked animal.

The invention is novel.

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Although laboratory people might argue that the routine for taking samples would include rinsing the sampling equipment with the sampling medium, no document has been cited to verify this, and possibly none exists which shows this procedure for milk sampling.

The invention is thus considered not be obvious to a person skilled in the art.

The invention is industrially applicable.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/SE 03/00651

A. CLASSIFICATION OF SUBJECT MATTER

IPC7: A01J 5/04 // G01N1/20

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC7: A01J, G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SE,DK,FI,NO classes as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EPO-INTERNAL, WPI DATA, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 9215196 A1 (CONSULTING SERVICES LTD), 17 Sept 1992 (17.09.92), page 5, line 18 - line 21, figures 1,9, claims 1,5 --	1-7,9-11, 13-30
A	EP 0098966 A2 (ALFONS SCHWARTE GMBH), 25 January 1984 (25.01.84), page 6, line 5 - line 8, figure 1, abstract --	1-8,23,28,29
A	FR 2645705 A1 (S A E AFIKIM), 19 October 1990 (19.10.90), figure 1, claim 1 --	1-4,7,12

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

4 July 2003

Date of mailing of the international search report

09 -07- 2003

Name and mailing address of the ISA/

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INTERNATIONAL SEARCH REPORT

International application No.

PCT/SE 03/00651

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0564023 A1 (C VAN DER LELY N V), 6 October 1993 (06.10.93), column 4, line 23 - line 45; column 5, line 14 - line 17, figures 1,2, claims 1,2,6-8 --	1,2,5,10,11, 17,19,20, 25-30
A	DE 1773656 A1 (TUCHENHAGEN, OTTO), 10 August 1972 (10.08.72), page 1, figure 1, claim 1 --	1,12,18
A	EP 0713641 A1 (MAASLAND N V), 29 May 1996 (29.05.96), column 2, line 25 - line 30; column 3, line 17 - line 25, figure 1 --	13,17,20-22, 26,27
A	SE 515093 C2 (WESTFALIA SEPARATOR AG), 11 June 2001 (11.06.01), page 2, line 7 - line 13 -- -----	

INTERNATIONAL SEARCH REPORT
Information on patent family members

02/06/03

International application No.

PCT/SE 03/00651

Patent document cited in search report			Publication date	Patent family member(s)		Publication date
WO	9215196	A1	17/09/92	DE	69221472 D,T	11/12/97
				EP	0574412 A,B	22/12/93
				GB	9104621 D	00/00/00
				US	5388549 A	14/02/95
				US	5572946 A	12/11/96

EP	0098966	A2	25/01/84	DE	3222234 A,C	15/12/83

FR	2645705	A1	19/10/90	GB	2231658 A	21/11/90
				GB	9007672 D	00/00/00
				IL	89954 D	00/00/00
				NL	9000835 A	01/11/90

EP	0564023	A1	06/10/93	SE	0564023 T3	
				DE	69318751 D,T	07/01/99
				DE	69332003 D,T	02/01/03
				DK	564023 T	01/03/99
				DK	872175 T	07/10/02
				EP	0872175 A,B	21/10/98
				SE	0872175 T3	
				EP	1123651 A	16/08/01
NL	9200582 A	18/10/93				

DE	1773656	A1	10/08/72	NONE		

EP	0713641	A1	29/05/96	SE	0713641 T3	
				DE	29522220 U	14/09/00
				DE	69516980 D,T	07/12/00
				NL	9401942 A	01/07/96

SE	515093	C2	11/06/01	DE	19547892 A,C	03/07/97
				SE	9603989 A	22/06/97
